

PROCEDURE FOR ABANDONMENT OF A PUBLIC RIGHT-OF-WAY/EASEMENT

- A. An application for the abandonment of a public right-of-way/easement by the City of College Station must be made pursuant to the procedure described below in order to get a request before the City Council. The application should insure that all stipulations and instructions outlined herein have been complied with prior to submission of the final application for action by the City Council of the City of College Station.

1. Application required

Attached to this information sheet is an application form for the abandonment of a public right-of-way/easement.

2. Submission deadline

The application must be completed and returned to the Engineering Department. The Engineering Department will circulate the application among the various City departments for review and approval. After all City departments have executed the application, the Engineering Department will place the application on the next Council agenda. The City Council holds regular sessions on the second and fourth Thursdays of the month at 7:00 p.m. An applicant may attend the meeting, if desired. The item will be presented by the staff. After Council consideration of the request, the applicant will be notified of the action taken by the Council relative to the abandonment request.

3. First page of application

- a. On the first page of the application, the heading information to be filled in includes the name of the addition or subdivision in which the public right-of-way/easement is located. The exception to this case would be the abandonment of a street, in which case the street name would appear in the heading. The date the application is prepared should be entered in the appropriate space. Item No. 6 on the first page should set out the names and addresses of the abutting property owners who have not consented to the vacation and abandonment which you seek. Abutting property owners are (1) owners of land that abut any portion of the land immediately next to the public right-of-way/easement proposed to be abandoned, and (2) owners of land within 1,000 feet of either end of the proposed abandonment area. You should also state why their consent was not obtained; that is, if you were unable to locate the abutting property owners or if the abutting property owner refused to give his or her consent, you should so state briefly setting out the points of objection that such owner might have to this abandonment. Additional sheets may be used if necessary to fully explain.

- b. Item No. 7 provides space for a brief statement of the reason such right-of-way/easement should be abandoned. Item No. 8 should relate briefly the history of the use of the right-of-way/easement sought to be abandoned. It is very important that the full name and

address of the applicant be shown in the space provided. This will insure proper notification to the applicant following action by the Council. The applicant's signature must appear immediately above the typed name and the notary certification must be completed.

4. Exhibit No. 1

Please note that the abandonment of right-of-way/easement may convey, by law, part of the property to the abutting property owner on the other side. You must provide, attached to the application, two sealed metes and bounds descriptions (dividing the area in half) of the area sought to be abandoned. It is required that you have a licensed land surveyor provide this information for you. Please note, an employee of the Engineering Department, by law, cannot prepare legal descriptions for you.

5. Exhibit No. 2

You must provide, attached to the application, two copies of a plat or detailed sketch of the right-of-way/easement sought to be abandoned. Again, this item is most easily furnished by a licensed land surveyor. It must clearly show the surrounding areas to the nearest streets in all directions, abutting lots, and the block or blocks in which the area sought to be abandoned is located. It shall also show the names of the record owners of the lots abutting the area sought to be abandoned.

6. Exhibit No. 3

Exhibit No. 3 must be executed by the various utility companies shown. As applicant you are responsible for circulating the application and securing the signatures of the authorized representatives.

7. Exhibit No. 4

Exhibit No. 4 must be executed by the various City of College Station staff. The Engineering Department will be responsible for circulating the application amongst the City departments.

8. Exhibit No. 5

Exhibit No. 5 constitutes the consent of the abutting property owners (other than the applicant) to the vacation and abandonment. The full names, addresses and signatures are required for all who consent to the requested abandonment. The names and addresses of those who cannot be contacted should appear under Item No. 6 on with the appropriate explanation made on Page 1 of the application.

B. In the preparation of your application, should you encounter any problems or have questions, the answers to which you are unable to find in this information sheet, please do not hesitate to contact the Engineering Department for assistance.

C. By Council Resolution No. 8-25-88-11, the fee for an application has been set at \$250.00, which is non-refundable.

**APPLICATION FOR
THE ABANDONMENT OF A
PUBLIC RIGHT-OF-WAY/EASEMENT**

Date: March 23, 2000

Location of Right-of-Way/Easement to be Abandoned: 1.4 acres,
corner of Wilsh & Nevada

Property Owner's Name & Address: Michael W. Divin
1105 Glade, College Station, TX 77845

Property Owner's Phone Number: (979) 764-2765

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF COLLEGE STATION:

The undersigned hereby makes application for the abandonment of that portion of the above right-of-way particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:

1. The undersigned will hold the City of College Station harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such abandonment.
2. Attached, marked Exhibit No. 1, are two sealed metes and bounds descriptions (dividing the area in half) of the area sought to be abandoned, prepared by a Registered Public Surveyor.
3. Attached, marked Exhibit No. 2, are two copies of a plat or detailed sketch of that portion of the public right-of-way/easement sought to be abandoned and the surrounding area to the nearest streets in all directions, showing the abutting lots and block, and the subdivision in which the above described right-of-way/easement is situated, together with the record owners of such lots.
4. Attached, marked Exhibit No. 3, is the consent of all public utilities to the abandonment.
5. Attached, marked Exhibit No. 4, is the consent of the City of College Station staff to the abandonment.
6. Attached, marked Exhibit No. 5, is the consent of all the abutting property owners, except the following: (if none, so state)

N.A.

7. Such public right-of-way/easement should be abandoned because:

non-use, located on private property with
no dedicated easement; developer to install
new line

8. Such public right-of-way/easement has been and is being used as follows:

non-use at this time

I swear that all of the information contained in this application is true and correct to the best of my knowledge and belief.

Applicant's Signature: Michael W. Divin

Applicant's Name: Michael W. DIVIN

Applicant's Address: 1105 Glade

College Station, Tx. 77845

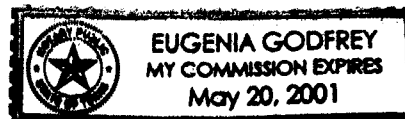
Applicant's Phone Number: (979) 764-2765

STATE OF TEXAS)
COUNTY OF BRAZOS)

ACKNOWLEDGMENT

Subscribed and sworn to before me, a Notary Public, this 23rd day of March 2000, by Michael W. Divin.

Eugenia Godfrey
Notary Public in and for
the State of Texas



Application for Abandonment of
a Public Right-of-Way/Easement

Located: corner of Welsh & Nevada

EXHIBIT NO. 1

Attached are two sealed copies of the metes and bounds description (dividing the area in half) of the public right-of-way/easement situated in Crawford Burnet League A-17 Addition/Subdivision to the City of College Station, Brazos County, Texas, sought to be abandoned.

GALINDO ENGINEERS AND PLANNERS, INC.

3833 South Texas Ave., Suite 213 Bryan, Texas 77802 (979) 846-8868

42-99E

**0.0480-ACRE TRACT
CRAWFORD BURNETT LEAGUE, A-17
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

Being a **0.0480-acre** tract or parcel of land lying and being situated in the Crawford Burnett League, A-17, and being a part of the 1.3978-acre tract described in deed recorded in Volume 778, Page 473, Official Records, Brazos County, Texas, and said **0.0480-acre** tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the easternmost corner of Lot 6, Block 1, Welch Place, an addition to the City of College Station, Texas according to the plat recorded in Volume 466, Page 143, Deed Records, Brazos County, Texas, said rod also marks the westerly right of way line of Welch Street, an 80'-wide right of way line public street, and furthermore said rod marking the northernmost corner of the before mentioned 1.3978-acre tract;

THENCE S 34°34'26" E, along the beforementioned westerly right of way line of Welch Street, a distance of 209.00' to a point;

THENCE S 55°25'34" W, for a distance of 10.00' to a point;

THENCE N 34°34'26" W, for a distance of 209.00' to the southeasterly boundary of said Lot 6;

THENCE N 55°25'34" E, along said southeasterly boundary of said Lot 6, for a distance of 10.00' to the **POINT OF BEGINNING**, containing **0.0480-acre** of land more or less.



Christian A. Galindo, P.E. # 53425, R.P.L.S. # 4473

March 9, 2000



Application for Abandonment of
a Public Right-of-Way/Easement

Located: N.A. Corner of Welsh & Nevada

EXHIBIT NO. 2

Attached are two copies of a plat or detailed sketch of the public right-of-way/easement sought to be abandoned in the above-mentioned application, showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the public right-of-way/easement sought to be vacated is situated, and the addition or subdivision in which the portion of the public right-of-way/easement sought to be abandoned is situated. Also, the names of record owners of the abutting lots are shown.

PLATTED
WELCH PLACE
466/143

N
S

SCALE :
1" = 60'
1 : 720

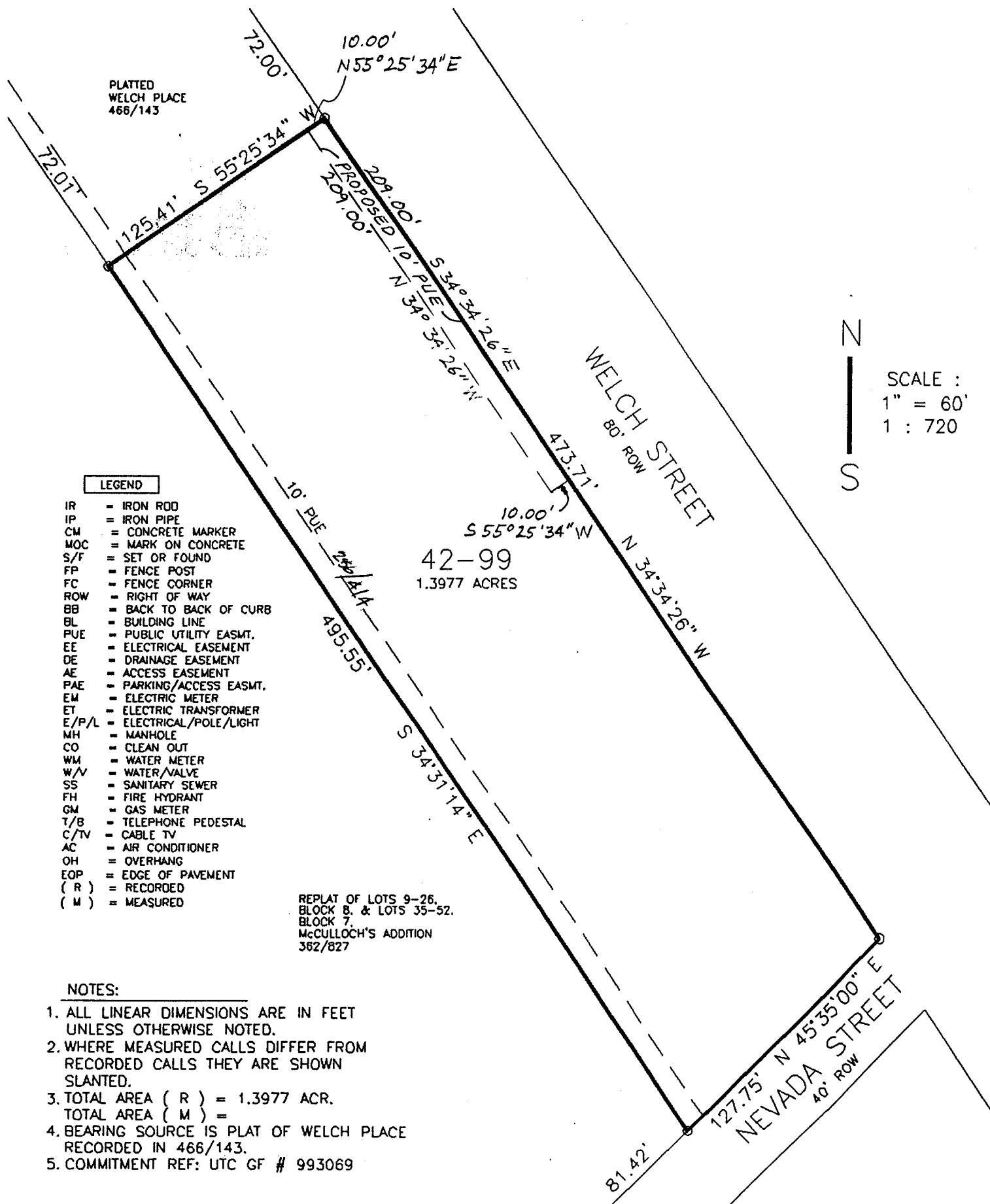
LEGEND

IR = IRON ROD
IP = IRON PIPE
CM = CONCRETE MARKER
MOC = MARK ON CONCRETE
S/F = SET OR FOUND
FP = FENCE POST
FC = FENCE CORNER
ROW = RIGHT OF WAY
BB = BACK TO BACK OF CURB
BL = BUILDING LINE
PUE = PUBLIC UTILITY EASMT.
EE = ELECTRICAL EASEMENT
DE = DRAINAGE EASEMENT
AE = ACCESS EASEMENT
PAE = PARKING/ACCESS EASMT.
EM = ELECTRIC METER
ET = ELECTRIC TRANSFORMER
E/P/L = ELECTRICAL/POLE/LIGHT
MH = MANHOLE
CO = CLEAN OUT
WM = WATER METER
W/V = WATER/VALVE
SS = SANITARY SEWER
FH = FIRE HYDRANT
GM = GAS METER
T/B = TELEPHONE PEDESTAL
C/TV = CABLE TV
AC = AIR CONDITIONER
OH = OVERHANG
EOP = EDGE OF PAVEMENT
(R) = RECORDED
(M) = MEASURED

REPLAT OF LOTS 9-26,
BLOCK 8, & LOTS 35-52,
BLOCK 7,
McCULLOCH'S ADDITION
362/827

NOTES:

1. ALL LINEAR DIMENSIONS ARE IN FEET
UNLESS OTHERWISE NOTED.
2. WHERE MEASURED CALLS DIFFER FROM
RECORDED CALLS THEY ARE SHOWN
SLANTED.
3. TOTAL AREA (R) = 1.3977 ACR.
TOTAL AREA (M) =
4. BEARING SOURCE IS PLAT OF WELCH PLACE
RECORDED IN 466/143.
5. COMMITMENT REF: UTC GF # 993069



Application for Abandonment of
a Public Right-of-Way/Easement

Located: Corner of Welsh & Nevada

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of College Station, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

LONE STAR GAS COMPANY

BY: N.A.
Title _____

GENERAL TELEPHONE COMPANY

BY: N.A.
Title _____

TCA CABLE COMPANY

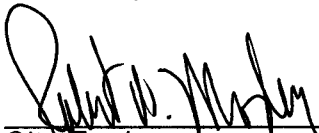
BY: N.A.
Title _____

Application for Abandonment of
a Public Right-of-Way/Easement

Located: Corner of Welsh & Nevada

EXHIBIT NO. 4

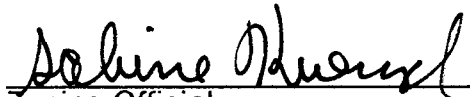
The undersigned, City staff of the City of College Station, certify that they have carefully considered the Application for Abandonment of the public right-of-way/easement referred to above from the standpoint of City of College Station ordinances and with respect to present and future needs of the City of College Station and see no objection to the requested abandonment from the City's standpoint.



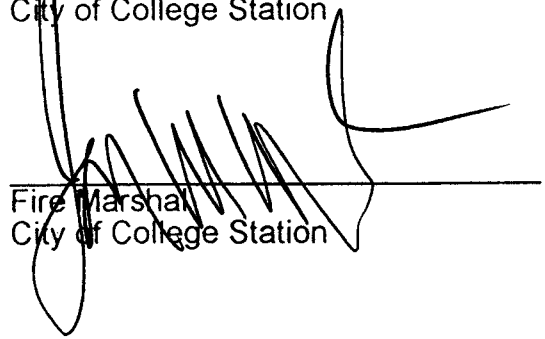
City Engineer
City of College Station



Building Official
City of College Station



Zoning Official
City of College Station



Fire Marshal
City of College Station



Director of Public Utilities
City of College Station

Application for Abandonment of
a Public Right-of-Way/Easement

Located: _____

EXHIBIT NO. 4

The undersigned, City staff of the City of College Station, certify that they have carefully considered the Application for Abandonment of the public right-of-way/easement referred to above from the standpoint of City of College Station ordinances and with respect to present and future needs of the City of College Station and see no objection to the requested abandonment from the City's standpoint.

City Engineer
City of College Station

Building Official
City of College Station

Zoning Official
City of College Station

Fire Marshal
City of College Station

for *Ramona Cust* 3/30/00 w/juw

Director of Public Utilities
City of College Station

Imy Michalsky Elect
3/30/00

Application for Abandonment of
a Public Right-of-Way/Easement

Located: Corner of Welsh & Nevada

EXHIBIT NO. 5 N.A.

The undersigned, owners of property abutting upon that portion of the public right-of-way/easement named and described in the Application for Abandonment of a Public Right-of-Way/Easement referred to above, do hereby consent to such abandonment.

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____
